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Before the
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments,)
FM Broadcast Stations.)
)
(Harrodsburg and Keene, KY))

To: Mass Media Bureau (Policy & Rules)

Petition for Rule Making

Mortenson Broadcasting Company of Central Kentucky, LLC, licensee of FM station WJMM-FM ("WJMM"), by its attorney, respectfully petitions for rule making so as to substitute Channel 257A at Keene, Kentucky, in place of Channel 257C3 at Harrodsburg, Kentucky, with reference coordinates 37° 56' 36"; 84° 38' 31". In support thereof, the following is shown.

WJMM is presently licensed to Harrodsburg, Kentucky, which is also the city of license of AM station WHBN, owned by petitioner. Keene, has no local service. Accordingly, grant of this petition will provide Keene with its first local transmission service, without depriving Harrodsburg of its only service. First local service is Priority 3 of Section 307(b) of the Communications Act of 1934 as amended. Grant of this petition is therefore warranted. See, e.g. Willows and Dunnagan, CA, 10 FCC Rcd 11522 (1995).

Although a small town, Keene meets the Commission's definition of a community. It has a long history, having been founded in 1794 as North Liberty. In 1848, under the influence of Thomas Jones, the name was changed to Keene.

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Keene became popular in the 19th century because of its sulfur water wells. People would come to Keene to sit in the sulfur Springs which were thought to have medicinal powers. The influx of people to the springs created new businesses. The Keene Springs Hotel opened to serve the visitors. In the 1850's Keene was at its peak, with many people coming there from Lexington to escape a cholera epidemic. The Civil War diminished the popularity of the springs and Keene slowly started to deteriorate after that. Its current population is estimated at about 200.

Keene has remained a distinct and separate community. Its residents have celebrated Keene day nearly every year since 1970, around the 4th of July.

The residents of Keene consider themselves part of that town; they are not part of any other community. Attached hereto as Exhibit 1 are statements from a number of residents confirming this fact.

Keene has its own post office and zip code - 40339, and appears on road maps, see Exhibit 2 attached. There are signs at the town's entrance, Exhibit 3. Within Keene is an antique store, the Keene Springs Hotel which houses a gift shop, and which serves lunch, as well as the Keene Cemetery, see Exhibit 4.

The Commission has found a number of small towns as communities eligible for their own FM allotment, e.g., Semora, NC¹,

¹ Semora, North Carolina, 5 FCC Rcd 934 (1990).

population 150, and Cal-Nev-Ari, NV², population 350. As in these and similar cases, the Commission looks to both subjective and objective evidence that a locality's populace constitutes a distinct geographical population grouping. Petitioner has provided such evidence; there can be no doubt that Keene qualifies as a community for allotment purposes.

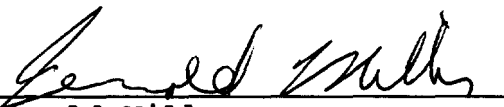
Attached hereto is the engineering report of John Mullaney. It demonstrates that all Commission spacing requirements are met by use of Channel 257C3 at the specified reference coordinates, and that a city-grade signal is placed over all of Keene by a station located at that point. The report also demonstrates that the proposed city-grade contour covers less than 25% of an urbanized area and that the area which will lose service as a result of the proposed change is well-served. Hence, there is no technical objection to grant of this petition.

² Cal-Nev-Ari, Boulder City, and Las Vegas, Nevada, 14 FCC Rcd 17153 (1999).

In view of the above, the Commission should amend Section 73.202(b) as requested herein and modify the facilities of FM station WJMM-FM accordingly.

Respectfully Submitted,

Mortenson Broadcasting Company of Central Kentucky, LLC

By 
Jerrold Miller
Its Attorney

August 24, 2001

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033

PETITION FOR RADIO STATION

TO: THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

I certify that I am a resident of Keene, Kentucky, and a member of this community. This is a separate community with its own distinct needs and interests which are not addressed by other radio stations. I would like the FCC to license a radio station to serve Keene, Kentucky.

July 24, 2001

NAME	ADDRESS
Paul Hammy	6821 Pinckard Pike
Deanna Wadde	PO BOX 73 KEENE
Steu Williams	1001 S. ELKHORN RD KEENE
Nancy Gates	P.O. BOX 52 Keene, Ky.
Shylene Harris	P.O. Box 51 Keene, Ky
Tracy Seabster	Pc Box 127 Keene Ky
Joanna Dumasway	PO Box 101 Keene Ky
Rebecca Rheinkolt	P.O. Box 94 Keene, Ky
Reggie Reed	P.O. Box 101 Keene, Ky 40339
Brenda Russell	PO BOX 112 Keene, Ky 40339
Webster Russell	PO Box 112 Keene Ky 40339
Darlene Sanders	Keene Ky 40339
Webster Russell Jr.	P.O. Box 112, Keene, Ky.

TO: THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

FROM: Name of Business Keene Springs Shoppe

Address 209 Keene - S. Elkhorn
Nicholasville, Ky. 40356

I certify that I am the owner of Keene Springs Shoppe.
My business is intended to serve the needs of the residents and community
of Keene, Kentucky. I believe that a local radio station would be a great
benefit to a community, like Keene, which does not now have a radio station
of its own.

Sincerely Yours,

Date: 7/24/01

Debbie Gill

TO: THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

FROM: Name of Business KEEN MFG. SERVICES, INC.

Address 108 SOUTH ELKHORN RD
KEENE, KY 40339

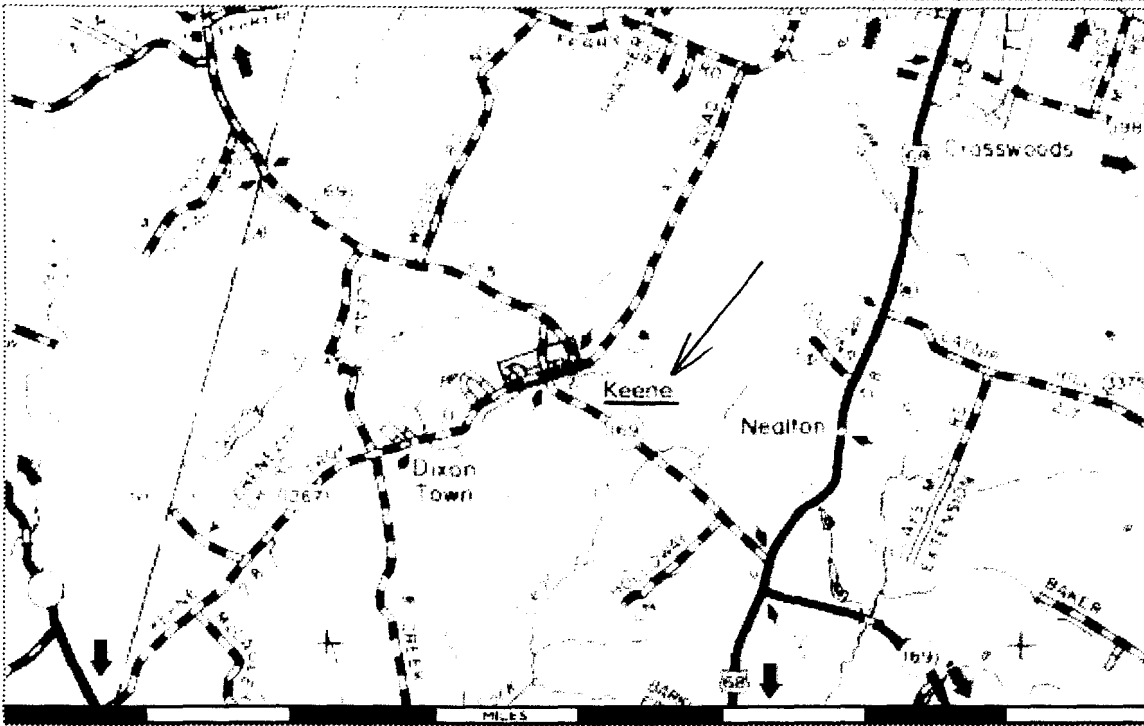
I certify that I am the owner of KEEN MFG. SERVICES, INC.
My business is intended to serve the needs of the residents and community
of Keene, Kentucky. I believe that a local radio station would be a great
benefit to a community, like Keene, which does not now have a radio station
of its own.

Sincerely Yours,

Date: 7/24/01

Martin Williams

Kentucky Atlas & Gazetteer



Keene is a small Jessamine county town at the junction of KY 169 and KY 1267. It was founded in 1794 and named North Liberty in 1813. In 1830 the post office opened as Keene. It was once a popular resort because of a nearby spring and supported a hotel and rail line.







MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

ENGINEERING EXHIBIT EE-RM:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**DELETE CH. 257C3 AT HARRODSBURG, KY
ALLOT CH. 256A TO KEENE, KY**

AUGUST 23, 2001

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
MORTENSON BROADCASTING COMPANY
OF KENTUCKY, LLC
LICENSEE OF WJMM-FM
CHANNEL 257C3 - HARRODSBURG, KENTUCKY**

Facility ID: 22085

ORIGINAL

ENGINEERING EXHIBIT EE-RM:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**DELETE CH. 257C3 AT HARRODSBURG, KY
ALLOT CH. 256A TO KEENE, KY**

TABLE OF CONTENTS:

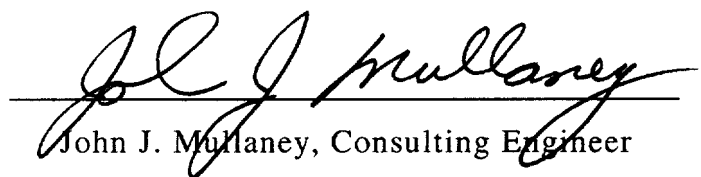
1. Declaration of Engineer
2. Narrative Statement
3. Figure 1, Channel Allocation Study for Ch. 256A
From Ref. Point for Keene, KY (2 pages)
4. Figure 2, Gain vs: Loss Map
5. Figure 3, Other Aural Services Map.

Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

The firm of Mullaney Engineering, Inc., has been requested by Mortenson Broadcasting Company of Kentucky, LLC, to prepare the instant engineering exhibit in support of a rule making petition to amend the FM Table of Allotments (FCC Facility ID Number: 22085).

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, reading "John J. Mullaney", is written over a horizontal line.

John J. Mullaney, Consulting Engineer

Executed on the 23rd day of August 2001

ENGINEERING EXHIBIT EE-RM:

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**DELETE CH. 257C3 AT HARRODSBURG, KY
ALLOT CH. 256A TO KEENE, KY**

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Mortenson Broadcasting Company of Kentucky, LLC, licensee of Radio Station WJMM-FM, at Harrodsburg, Kentucky (Facility ID 22085). The purpose of this statement is to provide engineering in support of a rule making petition to amend the FM Table of Allotments to delete Ch. 257C3 at Harrodsburg and re-allot Ch. 256A to Keene, KY, and to modify the license of WJMM-FM accordingly.

The city of Harrodsburg (Mercer County) will continue to be served by one aural services and grant of this proposal will result in the **first** aural service to Keene, KY (Jessamine County).

WJMM-FM wishes to point out that the channel it now seeks is on its first adjacent channel with a proposed location which is less than the separation specified by Section 73.207 and, therefore, it is not necessary to demonstrate the availability of an additional equivalent channel in accordance with Section 1.420(g) of the rules.

The proposed reference point is **not** within 290 kilometers (180 miles) of a United States Border and, therefore, foreign concurrence is **not** required.

Proposed Reference Site

For the purposes of this rule making the applicant proposes to use the city reference coordinates for Keene, KY.

N. Latitude:	37°	56'	36"	NAD-27
W. Longitude:	84°	38'	31"	

The proposed reference site will provide an unobstructed view of the city of license, Keene and is located close enough to serve the entire community with the required 3.16 mV/M or 70 dBu contour.

Channel Allocation Study

Figure 1 (2 pages) is a Channel Allocation Study from the city reference point for Keene, Kentucky. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations.

The licensed site of WJMM-FM is located 17.5 km (10.9 miles) away whereas the required first adjacent channel separation is 89 km (55.3 miles). Therefore, the proposed substitution is in accordance with Section 1.420(g) and is not required to demonstrate the availability of an additional equivalent channel.

Urbanized Area

Figure 2 is a map which shows the existing 60 dBu contour and the proposed 70 & 60 dBu contours from the city reference point in Keene, KY.

The proposed city grade 70 dBu contour provides coverage to a portion of the urbanized area of Lexington-Fayette, KY. The 2000 Census data for urbanized areas (UA) is not yet available. However, the 1990 Census indicates that the Lexington-Fayette UA includes 220,701 persons. The majority (greater than 98%) of the UA is located within Fayette County. It has been determined that the proposed 70 dBu contour encompasses only 55,153 persons located within Fayette County. Based upon this, it was determined that **less than 25% of the UA** receives a city grade or better service from the proposed operation on Ch. 256A.

Other Aural Services

Figure 2 also shades in "pink" the area which will lose 60 dBu service from WJMM if it re-locates to Keene. Figure 3 is an additional map which not only shows this loss area but it also illustrates the 1.0 mV/m coverage contours of the some of the commercial FM & AM stations providing reception service to this loss area. There are at least 24 FM and 7 AM stations (31 total) which separately provide service to some portion of the loss area. **The entire loss area has greater than 5 commercial reception services.**

Public Interest Showing

WJMM-FM presently operates as a C3 facility using a directional antenna granted under Section 73.215 (7 kW-DA at 188 meters HAAT). The proposed change in community & change to Ch. 256A will permit WJMM-FM to operate non-directionally and to provide a first service to Keene, KY. WJMM-FM anticipates construction of a maximum Class A facility which will potentially provide 60 dBu service to 359,900 persons (2000 Census) and 2,450 square kilometers.

The city of Harrodsburg will continue to have one licensed AM (WHBN on 1420 kHz) facility upon grant of this RM petition. The proposed allotment provides 70 dBu service to less than 25% of the Lexington-Fayette urbanized area. The entire 1.0 mV/m loss area will continue to receive at least 5 commercial reception services.

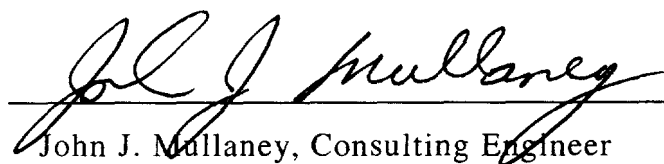
Based upon the above information, WJMM-FM believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest.

SUMMARY

Mortenson Broadcasting Company of Kentucky, LLC, licensee of Radio Station WJMM-FM, at Harrodsburg, Kentucky (Facility ID 22085) requests that the FM Table of Allotments be amended to delete Ch. 257C3 at Harrodsburg and re-allot Ch. 256A to Keene, KY, and to modify the license of WJMM-FM accordingly.

	Present	Proposed
Harrodsburg, KY	257C3 & 1420	1420 kHz
Keene, KY	--	256A

WJMM-FM believes that the proposed change in community will serve the public interest. If granted, WJMM-FM will quickly file an application for construction permit.


John J. Mullaney, Consulting Engineer

August 23, 2001.

***** FM CHANNEL STUDY NO. 1 - MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND - 20-AUG-01 16:07:45 *****

 LAST UPDATE: 010820 *****

WJMM	256 A	FM	POLARIZATION	ERP (KW)	HAAT	RCAMSL
KEENE KY	US			HOR PLN	BM TILT	(METER)
37.5636	84.3831 (D.MMSS)	99.1 MHz	HORIZONTAL	6.000	0.000	100.0
			VERTICAL	6.000	0.000	100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

ERP= 6.000 (KW) 7.8 (DBK) HAAT= 100.0 (METERS)

CALCULATED HAAT FROM TOPO DATA BASE

INTERFERING	DOMESTIC
	DBU KM
CO CHANNEL (40.0)	86.7
1ST ADJACENT (54.0)	43.7
2ND ADJACENT (80.0)	9.1
3RD ADJACENT (100.0)	2.8
PROTECTED (60.0)	28.3
CITY GRADE (70.0)	16.2

1st ADJACENT CHANNEL SUBSTITUTION

AZIMUTH	HAAT	HAAT	CONTOURS (KM)	
DEGREES	(METERS)	(FEET)	70 DBU	60 DBU
0.0	92.1	302.3	15.4	27.2
45.0	74.3	243.6	13.8	24.6
90.0	71.0	232.9	13.5	24.1
135.0	78.2	256.7	14.1	25.2
180.0	116.7	382.8	17.6	30.4
225.0	124.6	408.8	18.2	31.2
270.0	144.2	473.1	19.6	33.4
315.0	98.9	324.4	16.1	28.1
AVERAGE	100.0	328.1	16.2	28.3

EST SITE ELEVATION : 267.0 m.; 876.1 ft.
 EST RAD CENTER AGL : 99.8 m.; 327.3 ft.
 RAD CENTER A.M.S.L.: 366.8 m.; 1203.5 ft.

CHANNEL ALLOCATION - PROPOSED SITE

RADIO STATION WJMM-FM
 EXISTING CH. 257C3 - HARRODSBURG, KY
 PROPOSED CH. 256A - KEENE, KY

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND

FIGURE 1 (page 1 of 2)
 AUGUST 2001

AZIMUTH		CALL	STS	FILE NUMBER	CITY	ST C	LAT	LONG	ERP (KW)		HAAT	D	I-CON	P-CON	IR		IC	REZLT
FROM	TO						(D.MMSS)	REL	CHN	HORZ	VERT	(M)	A	F5010	F5050	DIST	RSEP	RSEP
324.6	144.5	980409	APP	BPED980409MA	FRANKFORT	KY A	38.1244	84.5307	IF	202A	.35H	.35V	82D		36.7	10.		
324.1	144.0	980923	APP	BPED980923MH	FRANKFORT	KY A	38.1157	84.5240	IF	202A	0.3H	0.3V	-49		35.1	10.		
199.0	18.8	WKDO-F	LIC	BLH930111KD	LIBERTY	KY A	37.1822	84.5502	2ND	254C3	25H	25V	73		74.8	42.		
95.2	276.4	WSIP-F	LIC	BLH891031KC	PAINTSVIL	KY A	37.4745	82.4804	1ST	255C1	94H	94V	183		162.8	133.		
292.2	111.4	WHKW	LIC	BLH931119KG	SALEM	IN A	38.2156	85.5855	1ST	255B	50H	50V	150		126.5	113.		
218.5	38.0	WKNK	LIC	BLH960508KB	EDMONTON	KY A	37.0133	85.3314	CO	256A	6H	6V	100		129.9	115.		
9.6	189.9	WHKO	LIC	BLH920403KA	DAYTON	OH A	39.4402	84.1452	CO	256B	50H	50V	325		201.7	178.		
191.1	11.0	WJMM-F	LIC	BLH980917KB	HARRODSBU	KY A	37.4718	84.4049	1ST	257C3	7H	7V	188		17.5	89.	-	
171.4	351.4	WJMM-F	APP	BMPH000215AA	HARRODSBU	KY A	37.5155	84.3737	1ST	257C3	7.7B	7.7B	1450		8.8	89.	-	
224.6	44.4		USE		HARRODSBU	KY A	37.4120	84.5730	1ST	257C3	H	V			39.7	89.	-	
346.9	166.7	WSCH	LIC	BLH891117KB	AURORA	IN A	38.5755	84.5651	1ST	257A	1.15H	1.15V	160		116.5	72.		
294.5	113.8	WDJX	LIC	BLH870522KC	LOUISVILL	KY A	38.2153	85.5018	3RD	259B	24H	24V	218		114.8	69.		

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

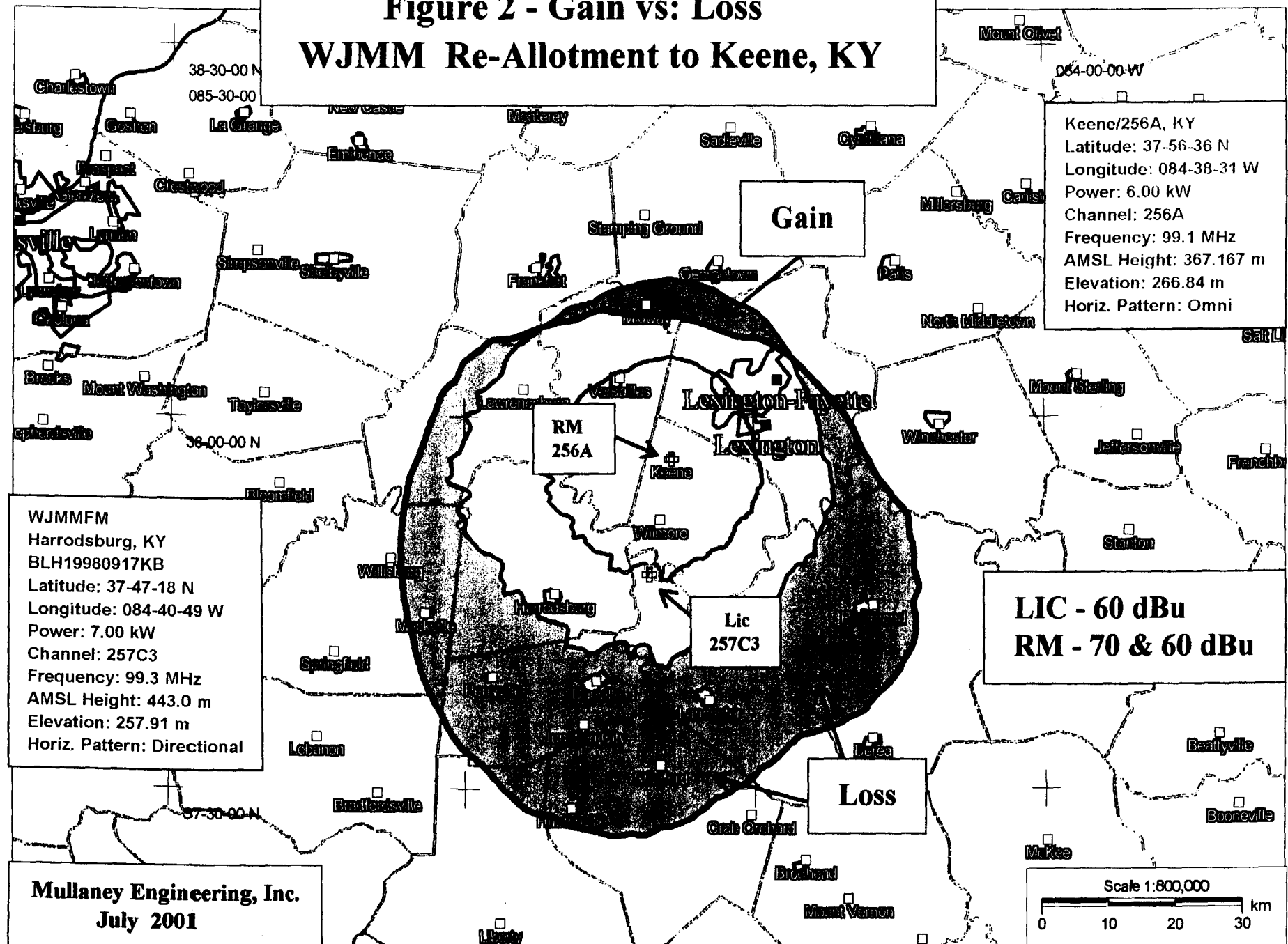
CHANNEL ALLOCATION - PROPOSED SITE

RADIO STATION WJMM-FM
EXISTING CH. 257C3 - HARRODSBURG, KY
PROPOSED CH. 256A - KEENE, KY

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND

FIGURE (page 2 of 2)
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Figure 2 - Gain vs: Loss
WJMM Re-Allotment to Keene, KY



**Figure 3 - Other Aural services
WJMM Re-Allotment to Keene, KY**

